

Senate File 2412 - Introduced

SENATE FILE 2412

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3213)

A BILL FOR

1 An Act relating to appropriations to the justice system.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

FY 2018-2019 APPROPRIATIONS

Section 1. 2017 Iowa Acts, chapter 167, section 27, is amended to read as follows:

SEC. 27. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, matching funds for federal violence against women grant programs, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

| | | |
|-------|------|----------------------|
| | \$ | 3,336,154 |
| | | <u>6,392,238</u> |
| | FTEs | 215.00 |

As a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

| | | |
|-------|----|----------------------|
| | \$ | 2,508,354 |
| | | <u>5,016,708</u> |

The moneys appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in [section 915.94](#) may be used to provide salary and support of not more than 24.00 full-time equivalent positions and to provide maintenance for the victim compensation functions

1 of the department of justice. In addition to the full-time
 2 equivalent positions authorized pursuant to this paragraph,
 3 5.00 full-time equivalent positions are authorized and shall
 4 be used by the department of justice to employ one accountant
 5 and four program planners. The department of justice may
 6 employ the additional 5.00 full-time equivalent positions
 7 authorized pursuant to this paragraph that are in excess of the
 8 number of full-time equivalent positions authorized only if
 9 the department of justice receives sufficient federal moneys
 10 to maintain employment for the additional full-time equivalent
 11 positions during the current fiscal year. The department
 12 of justice shall only employ the additional 5.00 full-time
 13 equivalent positions in succeeding fiscal years if sufficient
 14 federal moneys are received during each of those succeeding
 15 fiscal years.

16 The department of justice shall transfer at least \$150,000
 17 from the victim compensation fund established in [section 915.94](#)
 18 to the victim assistance grant program.

19 Notwithstanding [section 8.33](#), moneys appropriated in this
 20 paragraph "b" that remain unencumbered or unobligated at the
 21 close of the fiscal year shall not revert but shall remain
 22 available for expenditure for the purposes designated until the
 23 close of the succeeding fiscal year.

24 c. For legal services for persons in poverty grants as
 25 provided in [section 13.34](#):

| | |
|----------|-------------------------|
| 26 | \$ 1,152,301 |
| 27 | <u>2,206,199</u> |

28 2. a. The department of justice, in submitting budget
 29 estimates for the fiscal year commencing July 1, 2019, pursuant
 30 to [section 8.23](#), shall include a report of funding from sources
 31 other than amounts appropriated directly from the general fund
 32 of the state to the department of justice or to the office of
 33 consumer advocate. These funding sources shall include but
 34 are not limited to reimbursements from other state agencies,
 35 commissions, boards, or similar entities, and reimbursements

1 from special funds or internal accounts within the department
2 of justice. The department of justice shall also report actual
3 reimbursements for the fiscal year commencing July 1, 2017,
4 and actual and expected reimbursements for the fiscal year
5 commencing July 1, 2018.

6 b. The department of justice shall include the report
7 required under paragraph "a", as well as information regarding
8 any revisions occurring as a result of reimbursements actually
9 received or expected at a later date, in a report to the
10 co-chairpersons and ranking members of the joint appropriations
11 subcommittee on the justice system and the legislative services
12 agency. The department of justice shall submit the report on
13 or before January 15, 2019.

14 3. a. The department of justice shall fully reimburse
15 the costs and necessary related expenses incurred by the Iowa
16 law enforcement academy to continue to employ one additional
17 instructor position who shall provide training for ~~domestic~~
18 ~~abuse and~~ human trafficking-related issues throughout the
19 state.

20 b. The department of justice shall obtain the moneys
21 necessary to reimburse the Iowa law enforcement academy to
22 employ such an instructor from unrestricted moneys from either
23 the victim compensation fund established in [section 915.94](#), the
24 human trafficking victim fund established in [section 915.95](#), or
25 the human trafficking enforcement fund established in 2015 Iowa
26 Acts, chapter 138, section 141.

27 Sec. 2. 2017 Iowa Acts, chapter 167, section 28, is amended
28 to read as follows:

29 SEC. 28. OFFICE OF CONSUMER ADVOCATE. There is appropriated
30 from the department of commerce revolving fund created in
31 section 546.12 to the office of consumer advocate of the
32 department of justice for the fiscal year beginning July 1,
33 2018, and ending June 30, 2019, the following amount, or so
34 much thereof as is necessary, to be used for the purposes
35 designated:

1 For salaries, support, maintenance, and miscellaneous
 2 purposes, and for not more than the following full-time
 3 equivalent positions:

| | | |
|---------|------|----------------------|
| 4 | \$ | 1,568,794 |
| 5 | | <u>3,137,588</u> |
| 6 | FTEs | 22.00 |

7 Sec. 3. 2017 Iowa Acts, chapter 167, section 29, is amended
 8 to read as follows:

9 SEC. 29. DEPARTMENT OF CORRECTIONS — FACILITIES.

10 1. There is appropriated from the general fund of the state
 11 to the department of corrections for the fiscal year beginning
 12 July 1, 2018, and ending June 30, 2019, the following amounts,
 13 or so much thereof as is necessary, to be used for the purposes
 14 designated:

15 a. For the operation of the Fort Madison correctional
 16 facility, including salaries, support, maintenance, and
 17 miscellaneous purposes:

| | | |
|----------|----|-----------------------|
| 18 | \$ | 21,359,525 |
| 19 | | <u>40,709,469</u> |

20 b. For the operation of the Anamosa correctional facility,
 21 including salaries, support, maintenance, and miscellaneous
 22 purposes:

| | | |
|----------|----|-----------------------|
| 23 | \$ | 16,413,582 |
| 24 | | <u>31,874,128</u> |

25 c. For the operation of the Oakdale correctional facility,
 26 including salaries, support, maintenance, and miscellaneous
 27 purposes:

| | | |
|----------|----|-----------------------|
| 28 | \$ | 29,745,767 |
| 29 | | <u>60,770,579</u> |

30 d. For the operation of the Newton correctional facility,
 31 including salaries, support, maintenance, and miscellaneous
 32 purposes:

| | | |
|----------|----|-----------------------|
| 33 | \$ | 13,830,610 |
| 34 | | <u>27,808,195</u> |

35 e. For the operation of the Mount Pleasant correctional

1 facility, including salaries, support, maintenance, and
2 miscellaneous purposes:
3 \$ ~~12,338,207~~
4 25,296,244

5 f. For the operation of the Rockwell City correctional
6 facility, including salaries, support, maintenance, and
7 miscellaneous purposes:
8 \$ ~~4,860,229~~
9 10,364,555

10 g. For the operation of the Clarinda correctional facility,
11 including salaries, support, maintenance, and miscellaneous
12 purposes:
13 \$ ~~12,542,703~~
14 24,557,503

15 Moneys received by the department of corrections as
16 reimbursement for services provided to the Clarinda youth
17 corporation are appropriated to the department and shall be
18 used for the purpose of operating the Clarinda correctional
19 facility.

20 h. For the operation of the Mitchellville correctional
21 facility, including salaries, support, maintenance, and
22 miscellaneous purposes:
23 \$ ~~11,197,045~~
24 22,390,362

25 i. For the operation of the Fort Dodge correctional
26 facility, including salaries, support, maintenance, and
27 miscellaneous purposes:
28 \$ ~~14,883,498~~
29 29,392,788

30 j. For reimbursement of counties for temporary confinement
31 of prisoners, as provided in sections 901.7, 904.908, and
32 906.17, and for offenders confined pursuant to section 904.513:
33 \$ ~~787,546~~
34 1,575,092

35 k. For federal prison reimbursement, reimbursements for

1 out-of-state placements, and miscellaneous contracts:

2 \$ ~~242,206~~
 3 484,411

4 2. The department of corrections shall use moneys
 5 appropriated in subsection 1 to continue to contract for the
 6 services of a Muslim imam and a Native American spiritual
 7 leader.

8 Sec. 4. 2017 Iowa Acts, chapter 167, section 30, is amended
 9 to read as follows:

10 SEC. 30. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

11 There is appropriated from the general fund of the state to the
 12 department of corrections for the fiscal year beginning July
 13 1, 2018, and ending June 30, 2019, the following amounts, or
 14 so much thereof as is necessary, to be used for the purposes
 15 designated:

16 1. For general administration, including salaries and the
 17 adjustment of salaries throughout the department, support,
 18 maintenance, employment of an education director to administer
 19 a centralized education program for the correctional system,
 20 and miscellaneous purposes:

21 \$ ~~2,576,953~~
 22 8,446,968

23 a. It is the intent of the general assembly that each
 24 lease negotiated by the department of corrections with a
 25 private corporation for the purpose of providing private
 26 industry employment of inmates in a correctional institution
 27 shall prohibit the private corporation from utilizing inmate
 28 labor for partisan political purposes for any person seeking
 29 election to public office in this state and that a violation
 30 of this requirement shall result in a termination of the lease
 31 agreement.

32 b. It is the intent of the general assembly that as a
 33 condition of receiving the appropriation provided in this
 34 subsection the department of corrections shall not enter into
 35 a lease or contractual agreement pursuant to [section 904.809](#)

1 with a private corporation for the use of building space for
 2 the purpose of providing inmate employment without providing
 3 that the terms of the lease or contract establish safeguards to
 4 restrict, to the greatest extent feasible, access by inmates
 5 working for the private corporation to personal identifying
 6 information of citizens.

7 2. For educational programs for inmates at state penal
 8 institutions:

9 \$ ~~1,304,055~~
 10 2,608,109

11 a. To maximize the funding for educational programs,
 12 the department shall establish guidelines and procedures to
 13 prioritize the availability of educational and vocational
 14 training for inmates based upon the goal of facilitating an
 15 inmate's successful release from the correctional institution.

16 b. The director of the department of corrections may
 17 transfer moneys from Iowa prison industries and the canteen
 18 operating funds established pursuant to [section 904.310](#), for
 19 use in educational programs for inmates.

20 c. Notwithstanding [section 8.33](#), moneys appropriated in
 21 this subsection that remain unobligated or unexpended at the
 22 close of the fiscal year shall not revert but shall remain
 23 available to be used only for the purposes designated in this
 24 subsection until the close of the succeeding fiscal year.

25 3. For the development of the Iowa corrections offender
 26 network (ICON) data system:

27 \$ ~~1,000,000~~
 28 2,000,000

29 4. For offender mental health and substance abuse
 30 treatment:

31 \$ ~~14,033~~
 32 28,065

33 ~~5. For department-wide duties, including operations, costs,~~
 34 ~~and miscellaneous purposes:~~

35 \$ ~~648,947~~

1 Sec. 5. 2017 Iowa Acts, chapter 167, section 31, is amended
2 to read as follows:

3 SEC. 31. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
4 SERVICES.

5 1. There is appropriated from the general fund of the state
6 to the department of corrections for the fiscal year beginning
7 July 1, 2018, and ending June 30, 2019, for salaries, support,
8 maintenance, and miscellaneous purposes, the following amounts,
9 or so much thereof as is necessary, to be used for the purposes
10 designated:

11 a. For the first judicial district department of
12 correctional services:

13 \$ ~~7,318,383~~
14 14,653,435

15 It is the intent of the general assembly that the first
16 judicial district department of correctional services maintain
17 the drug courts operated by the district department.

18 b. For the second judicial district department of
19 correctional services:

20 \$ ~~5,691,870~~
21 11,330,642

22 It is the intent of the general assembly that the second
23 judicial district department of correctional services establish
24 and maintain two drug courts to be operated by the district
25 department.

26 c. For the third judicial district department of
27 correctional services:

28 \$ ~~3,583,979~~
29 7,103,324

30 d. For the fourth judicial district department of
31 correctional services:

32 \$ ~~2,789,961~~
33 5,628,707

34 e. For the fifth judicial district department of
35 correctional services, including funding for electronic

1 monitoring devices for use on a statewide basis:

2 \$ ~~10,428,970~~
 3 21,363,555

4 It is the intent of the general assembly that the fifth
 5 judicial district department of correctional services maintain
 6 the drug court operated by the district department.

7 f. For the sixth judicial district department of
 8 correctional services:

9 \$ ~~7,356,583~~
 10 14,580,498

11 It is the intent of the general assembly that the sixth
 12 judicial district department of correctional services maintain
 13 the drug court operated by the district department.

14 g. For the seventh judicial district department of
 15 correctional services:

16 \$ ~~3,888,671~~
 17 7,707,214

18 It is the intent of the general assembly that the seventh
 19 judicial district department of correctional services maintain
 20 the drug court operated by the district department.

21 h. For the eighth judicial district department of
 22 correctional services:

23 \$ ~~4,042,261~~
 24 8,011,624

25 2. Each judicial district department of correctional
 26 services, within the funding available, shall continue programs
 27 and plans established within that district to provide for
 28 intensive supervision, sex offender treatment, diversion of
 29 low-risk offenders to the least restrictive sanction available,
 30 job development, and expanded use of intermediate criminal
 31 sanctions.

32 3. Each judicial district department of correctional
 33 services shall provide alternatives to prison consistent with
 34 chapter 901B. The alternatives to prison shall ensure public
 35 safety while providing maximum rehabilitation to the offender.

1 A judicial district department of correctional services may
2 also establish a day program.

3 4. The governor's office of drug control policy shall
4 consider federal grants made to the department of corrections
5 for the benefit of each of the eight judicial district
6 departments of correctional services as local government
7 grants, as defined pursuant to federal regulations.

8 5. The department of corrections shall continue to contract
9 with a judicial district department of correctional services to
10 provide for the rental of electronic monitoring equipment which
11 shall be available statewide.

12 Sec. 6. 2017 Iowa Acts, chapter 167, section 36, is amended
13 to read as follows:

14 SEC. 36. IOWA LAW ENFORCEMENT ACADEMY.

15 1. There is appropriated from the general fund of the
16 state to the Iowa law enforcement academy for the fiscal year
17 beginning July 1, 2018, and ending June 30, 2019, the following
18 amount, or so much thereof as is necessary, to be used for the
19 purposes designated:

20 For salaries, support, maintenance, and miscellaneous
21 purposes, including jailer training and technical assistance,
22 and for not more than the following full-time equivalent
23 positions:

| | | |
|----------|------|------------------|
| 24 | \$ | 477,378 |
| 25 | | <u>946,149</u> |
| 26 | FTEs | 25.00 |
| 27 | | <u>26.00</u> |

28 The Iowa law enforcement academy may temporarily exceed and
29 draw more than the amount appropriated in this subsection and
30 incur a negative cash balance as long as there are receivables
31 equal to or greater than the negative balance and the amount
32 appropriated in this subsection is not exceeded at the close
33 of the fiscal year.

34 2. The Iowa law enforcement academy may select at least
35 five automobiles of the department of public safety, division

1 of state patrol, prior to turning over the automobiles to
 2 the department of administrative services to be disposed
 3 of by public auction, and the Iowa law enforcement academy
 4 may exchange any automobile owned by the academy for each
 5 automobile selected if the selected automobile is used in
 6 training law enforcement officers at the academy. However, any
 7 automobile exchanged by the academy shall be substituted for
 8 the selected vehicle of the department of public safety and
 9 sold by public auction with the receipts being deposited in the
 10 depreciation fund to the credit of the department of public
 11 safety, division of state patrol.

12 3. The Iowa law enforcement academy shall provide training
 13 for domestic abuse and human trafficking-related issues
 14 throughout the state. The training shall be offered at no
 15 cost to the attendees and the training shall not replace any
 16 existing domestic abuse or human trafficking training offered
 17 by the academy.

18 Sec. 7. 2017 Iowa Acts, chapter 167, section 37, is amended
 19 to read as follows:

20 SEC. 37. STATE PUBLIC DEFENDER. There is appropriated from
 21 the general fund of the state to the office of the state public
 22 defender of the department of inspections and appeals for the
 23 fiscal year beginning July 1, 2018, and ending June 30, 2019,
 24 the following amounts, or so much thereof as is necessary, to
 25 be used for the purposes designated:

26 1. For salaries, support, maintenance, and miscellaneous
 27 purposes, and for not more than the following full-time
 28 equivalent positions:

| | |
|----------|--------------------------|
| 29 | \$ 13,091,122 |
| 30 | <u>26,646,202</u> |
| 31 | FTEs 223.00 |

32 2. For payments on behalf of eligible adults and juveniles
 33 from the indigent defense fund, in accordance with section
 34 815.11:

| | |
|----------|--------------------------|
| 35 | \$ 16,722,224 |
|----------|--------------------------|

1 37,444,448

2 Sec. 8. 2017 Iowa Acts, chapter 167, section 38, is amended

3 to read as follows:

4 SEC. 38. BOARD OF PAROLE. There is appropriated from the

5 general fund of the state to the board of parole for the fiscal

6 year beginning July 1, 2018, and ending June 30, 2019, the

7 following amount, or so much thereof as is necessary, to be

8 used for the purposes designated:

9 For salaries, support, maintenance, and miscellaneous

10 purposes, and for not more than the following full-time

11 equivalent positions:

| | | |
|----------|------|------------------|
| 12 | \$ | 595,866 |
| 13 | | <u>1,191,731</u> |
| 14 | FTEs | 10.75 |

15 Sec. 9. 2017 Iowa Acts, chapter 167, section 39, is amended

16 to read as follows:

17 SEC. 39. DEPARTMENT OF PUBLIC DEFENSE.

18 1. There is appropriated from the general fund of the

19 state to the department of public defense, for the fiscal year

20 beginning July 1, 2018, and ending June 30, 2019, the following

21 amounts, or so much thereof as is necessary, to be used for the

22 purposes designated:

23 For salaries, support, maintenance, and miscellaneous

24 purposes, and for not more than the following full-time

25 equivalent positions:

| | | |
|----------|------|------------------|
| 26 | \$ | 3,111,662 |
| 27 | | <u>6,164,131</u> |
| 28 | FTEs | 248.00 |

29 2. The department of public defense may temporarily exceed

30 and draw more than the amount appropriated in this section and

31 incur a negative cash balance as long as there are receivables

32 of federal funds equal to or greater than the negative balance

33 and the amount appropriated in this section is not exceeded at

34 the close of the fiscal year.

35 Sec. 10. 2017 Iowa Acts, chapter 167, section 40, is amended

1 to read as follows:

2 SEC. 40. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY
3 MANAGEMENT.

4 1. There is appropriated from the general fund of the state
5 to the department of homeland security and emergency management
6 for the fiscal year beginning July 1, 2018, and ending June
7 30, 2019, the following amounts, or so much thereof as is
8 necessary, to be used for the purposes designated:

9 For salaries, support, maintenance, and miscellaneous
10 purposes, and for not more than the following full-time
11 equivalent positions:
12 \$ ~~1,060,964~~
13 2,102,797
14 FTEs 33.87

15 2. The department of homeland security and emergency
16 management may temporarily exceed and draw more than the amount
17 appropriated in this section and incur a negative cash balance
18 as long as there are receivables of federal funds equal to or
19 greater than the negative balance and the amount appropriated
20 in this section is not exceeded at the close of the fiscal
21 year.

22 Sec. 11. 2017 Iowa Acts, chapter 167, section 41, is amended
23 to read as follows:

24 SEC. 41. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
25 from the general fund of the state to the department of public
26 safety for the fiscal year beginning July 1, 2018, and ending
27 June 30, 2019, the following amounts, or so much thereof as is
28 necessary, to be used for the purposes designated:

29 1. For the department's administrative functions, including
30 the criminal justice information system, and for not more than
31 the following full-time equivalent positions:

32 \$ ~~2,071,566~~
33 4,734,703
34 FTEs 37.00

35 2. For the division of criminal investigation, including

1 the criminalistics laboratory fund created in section 691.9,
 2 and the state's contribution to the peace officers' retirement,
 3 accident, and disability system provided in chapter 97A in the
 4 amount of the state's normal contribution rate, as defined in
 5 section 97A.8, multiplied by the salaries for which the moneys
 6 are appropriated, to meet federal fund matching requirements,
 7 and for not more than the following full-time equivalent
 8 positions:

| | | |
|----------|------|-------------------|
| 9 | \$ | 6,795,272 |
| 10 | | <u>14,965,428</u> |
| 11 | FTEs | 160.00 |
| 12 | | <u>164.00</u> |

13 a. As a condition of receiving the appropriation in this
 14 subsection, the division of criminal investigation shall employ
 15 4.0 full-time equivalent positions to assist in expediting the
 16 processing and analysis of DNA samples.

17 b. The division of criminal investigation may employ two of
 18 the three additional full-time equivalent positions authorized
 19 pursuant to this subsection that are in excess of the number
 20 of full-time equivalent positions authorized for the previous
 21 fiscal year only if the division of criminal investigation
 22 receives sufficient federal moneys to maintain employment for
 23 the additional 2.00 full-time equivalent positions during the
 24 current fiscal year. The division of criminal investigation
 25 shall only employ the additional 2.00 full-time equivalent
 26 positions in succeeding fiscal years if sufficient federal
 27 moneys are received during each of those succeeding fiscal
 28 years.

29 ~~3. For the criminalistics laboratory fund created in~~
 30 ~~section 691.9:~~

| | | |
|----------|----|--------------------|
| 31 | \$ | 151,173 |
|----------|----|--------------------|

32 4. a. For the division of narcotics enforcement, including
 33 the state's contribution to the peace officers' retirement,
 34 accident, and disability system provided in chapter 97A in the
 35 amount of the state's normal contribution rate, as defined in

1 section 97A.8, multiplied by the salaries for which the moneys
 2 are appropriated, to meet federal fund matching requirements,
 3 and for not more than the following full-time equivalent
 4 positions:

| | | |
|---------|------|----------------------|
| 5 | \$ | 3,726,650 |
| 6 | | <u>7,785,873</u> |
| 7 | FTEs | 66.50 |

8 The division of narcotics enforcement may employ an
 9 additional 1.00 full-time equivalent position authorized
 10 pursuant to this lettered paragraph that is in excess of
 11 the number of full-time equivalent positions authorized for
 12 the previous fiscal year only if the division of narcotics
 13 enforcement receives sufficient federal moneys to maintain
 14 employment for the additional full-time equivalent position
 15 during the current fiscal year. The division of narcotics
 16 enforcement shall only employ the additional full-time
 17 equivalent position in succeeding fiscal years if sufficient
 18 federal moneys are received during each of those succeeding
 19 fiscal years.

20 b. For the division of narcotics enforcement for undercover
 21 purchases:

| | | |
|----------|----|-------------------|
| 22 | \$ | 54,521 |
| 23 | | <u>209,042</u> |

24 5. For the division of state fire marshal, for fire
 25 protection services as provided through the state fire service
 26 and emergency response council as created in the department,
 27 and for the state's contribution to the peace officers'
 28 retirement, accident, and disability system provided in chapter
 29 97A in the amount of the state's normal contribution rate,
 30 as defined in [section 97A.8](#), multiplied by the salaries for
 31 which the moneys are appropriated, and for not more than the
 32 following full-time equivalent positions:

| | | |
|----------|------|----------------------|
| 33 | \$ | 2,343,357 |
| 34 | | <u>4,965,056</u> |
| 35 | FTEs | 53.00 |

1 As a condition of receiving the appropriation in this
 2 subsection, the commissioner of the department of public safety
 3 shall appoint the administrator of the fire service training
 4 bureau of the division of state fire marshal as provided in
 5 section 100B.7.

6 6. For the division of state patrol, for salaries, support,
 7 maintenance, workers' compensation costs, and miscellaneous
 8 purposes, including the state's contribution to the peace
 9 officers' retirement, accident, and disability system provided
 10 in [chapter 97A](#) in the amount of the state's normal contribution
 11 rate, as defined in [section 97A.8](#), multiplied by the salaries
 12 for which the moneys are appropriated, and for not more than
 13 the following full-time equivalent positions:

| | | |
|----------|------|-----------------------|
| 14 | \$ | 30,683,170 |
| 15 | | <u>63,926,287</u> |
| 16 | FTEs | 511.40 |

17 It is the intent of the general assembly that members of the
 18 state patrol be assigned to patrol the highways and roads in
 19 lieu of assignments for inspecting school buses for the school
 20 districts.

21 7. For deposit in the sick leave benefits fund established
 22 under [section 80.42](#) for all departmental employees eligible to
 23 receive benefits for accrued sick leave under the collective
 24 bargaining agreement:

| | | |
|----------|----|--------------------|
| 25 | \$ | 139,759 |
| 26 | | <u>279,517</u> |

27 8. For costs associated with the training and equipment
 28 needs of volunteer fire fighters:

| | | |
|----------|----|--------------------|
| 29 | \$ | 412,760 |
| 30 | | <u>825,520</u> |

31 a. Notwithstanding [section 8.33](#), moneys appropriated in
 32 this subsection that remain unencumbered or unobligated at the
 33 close of the fiscal year shall not revert but shall remain
 34 available for expenditure only for the purpose designated in
 35 this subsection until the close of the succeeding fiscal year.

1 b. Notwithstanding [section 8.39](#), the department of public
 2 safety may reallocate moneys appropriated in this section
 3 as necessary to best fulfill the needs provided for in the
 4 appropriation. However, the department shall not reallocate
 5 moneys appropriated to the department in this section unless
 6 notice of the reallocation is given to the legislative services
 7 agency and the department of management prior to the effective
 8 date of the reallocation. The notice shall include information
 9 regarding the rationale for reallocating the moneys. The
 10 department shall not reallocate moneys appropriated in this
 11 section for the purpose of eliminating any program.

12 9. For the public safety interoperable and broadband
 13 communications fund established in [section 80.44](#):

14 \$ 57,831
 15 115,661

16 10. For the office to combat human trafficking established
 17 pursuant to [section 80.45](#) as enacted by 2016 Iowa Acts, chapter
 18 1077, section 1, including salaries, support, maintenance,
 19 miscellaneous purposes, and for not more than the following
 20 full-time equivalent positions:

21 \$ 75,000
 22 150,000
 23 FTEs 2.00

24 ~~11. For department-wide duties, including operations,~~
 25 ~~costs, and miscellaneous purposes:~~

26 ~~\$ 917,487~~

27 Sec. 12. 2017 Iowa Acts, chapter 167, section 42, is amended
 28 to read as follows:

29 SEC. 42. GAMING ENFORCEMENT.

30 1. There is appropriated from the gaming enforcement
 31 revolving fund created in [section 80.43](#) to the department of
 32 public safety for the fiscal year beginning July 1, 2018, and
 33 ending June 30, 2019, the following amount, or so much thereof
 34 as is necessary, to be used for the purposes designated:

35 For any direct support costs for agents and officers of

1 the division of criminal investigation's excursion gambling
 2 boat, gambling structure, and racetrack enclosure enforcement
 3 activities, including salaries, support, maintenance, and
 4 miscellaneous purposes, and for not more than the following
 5 full-time equivalent positions:

| | | |
|---------|------|----------------------|
| 6 | \$ | 4,872,636 |
| 7 | | <u>10,239,218</u> |
| 8 | FTEs | 73.00 |

9 2. For each additional license to conduct gambling games on
 10 an excursion gambling boat, gambling structure, or racetrack
 11 enclosure issued during the fiscal year beginning July 1, 2018,
 12 there is appropriated from the gaming enforcement fund to the
 13 department of public safety for the fiscal year beginning July
 14 1, 2018, and ending June 30, 2019, an additional amount of not
 15 more than \$300,000 to be used for not more than 3.00 additional
 16 full-time equivalent positions.

17 3. The department of public safety, with the approval of the
 18 department of management, may employ no more than three special
 19 agents for each additional riverboat or gambling structure
 20 regulated after July 1, 2018, and three special agents for
 21 each racing facility which becomes operational during the
 22 fiscal year which begins July 1, 2018. Positions authorized
 23 in this subsection are in addition to the full-time equivalent
 24 positions otherwise authorized in this section.

25 Sec. 13. 2017 Iowa Acts, chapter 167, section 43, is amended
 26 to read as follows:

27 SEC. 43. CIVIL RIGHTS COMMISSION.

28 1. There is appropriated from the general fund of the state
 29 to the Iowa state civil rights commission for the fiscal year
 30 beginning July 1, 2018, and ending June 30, 2019, the following
 31 amount, or so much thereof as is necessary, to be used for the
 32 purposes designated:

33 For salaries, support, maintenance, and miscellaneous
 34 purposes, and for not more than the following full-time
 35 equivalent positions:

| | | |
|---------|------|--------------------|
| 1 | \$ | 578,531 |
| 2 | | <u>1,146,631</u> |
| 3 | FTEs | 30.00 |

4 2. The Iowa state civil rights commission may enter into
5 a contract with a nonprofit organization to provide legal
6 assistance to resolve civil rights complaints.

7 Sec. 14. 2017 Iowa Acts, chapter 167, section 44, is amended
8 to read as follows:

9 SEC. 44. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION.

10 1. There is appropriated from the general fund of the state
11 to the criminal and juvenile justice planning division of the
12 department of human rights for the fiscal year beginning July
13 1, 2018, and ending June 30, 2019, the following amount or
14 so much thereof as is necessary, to be used for the purposes
15 designated:

16 For salaries, support, maintenance, and miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions:

| | | |
|----------|------|--------------------|
| 19 | \$ | 593,917 |
| 20 | | <u>1,177,143</u> |
| 21 | FTEs | 9.56 |

22 2. The criminal and juvenile justice planning advisory
23 council and the juvenile justice advisory council shall
24 coordinate their efforts in carrying out their respective
25 duties relative to juvenile justice.

26 Sec. 15. 2017 Iowa Acts, chapter 167, section 45, is amended
27 to read as follows:

28 SEC. 45. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY

29 MANAGEMENT. There is appropriated from the ~~E911~~ 911 emergency
30 communications fund created in section 34A.7A to the department
31 of homeland security and emergency management for the fiscal
32 year beginning July 1, 2018, and ending June 30, 2019, the
33 following amount, or so much thereof as is necessary, to be
34 used for the purposes designated:

35 For implementation, support, and maintenance of the

1 functions of the administrator and program manager under
 2 chapter 34A and to employ the auditor of the state to perform
 3 an annual audit of the ~~E911~~ 911 emergency communications fund:
 4 \$ ~~125,000~~
 5 250,000

6 Sec. 16. 2017 Iowa Acts, chapter 167, is amended by adding
 7 the following new sections:

8 NEW SECTION. SEC. 46. REGIONAL HOUSING PROJECT. There is
 9 appropriated from the Iowa skilled worker and job creation fund
 10 created in section 8.75 to the department of corrections for
 11 the fiscal year beginning July 1, 2018, and ending June 30,
 12 2019, the following amount, or so much thereof as is necessary,
 13 to be used for the purposes designated:

14 For implementation, support, maintenance, and capital
 15 construction costs to develop a regional housing building
 16 project:

17 \$ 1,000,000

18 For purposes of section 8.33, unless specifically provided
 19 otherwise, unencumbered or unobligated moneys remaining from
 20 the appropriation in this section, shall not revert but shall
 21 remain available for expenditure for the purposes designated
 22 until the close of the fiscal year that ends three years after
 23 the end of the fiscal year for which the appropriation is made.
 24 However, if the project or projects for which the appropriation
 25 was made are completed in an earlier fiscal year, unencumbered
 26 or unobligated moneys shall revert at the close of that same
 27 fiscal year.

28 NEW SECTION. SEC. 47. CONSUMER EDUCATION AND
 29 LITIGATION — FARM MEDIATION AND PROSECUTIONS, APPEALS, AND
 30 CLAIMS. Notwithstanding section 714.16C, there is appropriated
 31 from the consumer education and litigation fund to the
 32 department of justice for the fiscal year beginning July 1,
 33 2018, and ending June 30, 2019, the following amount, or so
 34 much thereof as is necessary, to be used for the purposes
 35 designated:

1 a. For farm mediation services as specified in section
2 13.13, subsection 2:

3 \$ 300,000

4 b. For salaries, support, maintenance, and miscellaneous
5 purposes for criminal prosecutions, criminal appeals, and
6 performing duties pursuant to chapter 669:

7 \$ 1,000,000

8 Sec. 17. Section 13.2, subsection 1, paragraph g, Code 2018,
9 is amended by striking the paragraph.

10 Sec. 18. NEW SECTION. **80.46 Public safety support trust**
11 **fund.**

12 1. A public safety support trust fund is established in
13 the state treasury under the control of the department. The
14 department may receive and accept donations, grants, loans, and
15 contributions in accordance with section 565.3 from any public
16 or private source for deposit into the trust fund. Moneys
17 credited to the trust fund are appropriated to the department
18 for the purpose of supporting the activities of the department.

19 2. Notwithstanding section 8.33, moneys in the trust fund
20 shall not revert. Notwithstanding section 12C.7, subsection
21 2, interest or earnings on moneys deposited in the trust fund
22 shall be credited to the trust fund.

23 DIVISION II

24 PRISON LIBRARIES

25 Sec. 19. Section 904.310A, Code 2018, is amended by striking
26 the section and inserting in lieu thereof the following:

27 **904.310A Information or materials — distribution.**

28 1. Funds appropriated to the department or other funds made
29 available to the department shall not be used to distribute
30 or make available any commercially published information or
31 material to an inmate when such information or material is
32 sexually explicit or features nudity.

33 2. The department shall adopt rules pursuant to chapter 17A
34 to administer this section.

35 DIVISION III

SMALL CLAIMS COURT JURISDICTION

Sec. 20. Section 631.1, subsections 1, 3, 4, 5, 7, and 8, Code 2018, are amended to read as follows:

1. The following actions or claims are small claims and shall be commenced, heard and determined as provided in this chapter:

a. A civil action for a money judgment where the amount in controversy is ~~four~~ five thousand dollars or less for actions commenced before July 1, ~~2002~~ 2018, exclusive of interest and costs.

b. A civil action for a money judgment where the amount in controversy is ~~five~~ seven thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018, exclusive of interest and costs.

3. The district court sitting in small claims has concurrent jurisdiction of an action of replevin if the value of the property claimed is ~~four~~ five thousand dollars or less for actions commenced before July 1, ~~2002~~ 2018, and ~~five~~ seven thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018. When commenced under [this chapter](#), the action is a small claim for the purposes of [this chapter](#).

4. The district court sitting in small claims has concurrent jurisdiction of motions and orders relating to executions against personal property, including garnishments, where the value of the property or garnisheed money involved is ~~four~~ five thousand dollars or less for actions commenced before July 1, ~~2002~~ 2018, and ~~five~~ seven thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018.

5. The district court sitting in small claims has concurrent jurisdiction of an action for abandonment of a manufactured or mobile home or personal property pursuant to [section 555B.3](#), if no money judgment in excess of ~~four~~ five thousand dollars is sought for actions commenced before July 1, ~~2002~~ 2018, and ~~five~~ seven thousand five hundred dollars or less for actions commenced on or after July 1, ~~2002~~ 2018. If commenced under

1 this chapter, the action is a small claim for the purposes of
2 this chapter.

3 7. The district court sitting in small claims has concurrent
4 jurisdiction of an action for the collection of taxes brought
5 by a county treasurer pursuant to [sections 445.3 and 445.4](#)
6 where the amount in controversy is five thousand dollars or
7 less for actions commenced ~~on or after~~ before July 1, 2003
8 2018, and seven thousand five hundred dollars or less for
9 actions commenced on or after July 1, 2018, exclusive of
10 interest and costs.

11 8. The district court sitting in small claims has concurrent
12 jurisdiction of motions and orders relating to releases of
13 judgments in whole or in part including motions and orders
14 under [section 624.23, subsection 2](#), paragraph "c" and section
15 624.37, where the amount owing on the judgment, including
16 interests and costs, is five thousand dollars or less for
17 actions commenced before July 1, 2018, and seven thousand five
18 hundred dollars or less for actions commenced on or after July
19 1, 2018.

20 Sec. 21. JURISDICTIONAL AMOUNT REVERSION. The
21 jurisdictional amount in the section of this division of this
22 Act that amends section 631.1 shall revert to five thousand
23 dollars if a court of competent jurisdiction declares the seven
24 thousand five hundred dollar amount unconstitutional.

25 DIVISION IV

26 UNMANNED AERIAL VEHICLES

27 Sec. 22. NEW SECTION. 719.9 Use of unmanned aerial vehicle
28 — prohibitions.

29 1. As used in this section:

30 a. "Facility" means a county jail, municipal holding
31 facility, secure facility for the detention or custody
32 of juveniles, community-based correctional facility, or
33 institution under the management of the department of
34 corrections.

35 b. "Unmanned aerial vehicle" means a vehicle or device

1 that uses aerodynamic forces to achieve flight and is piloted
2 remotely.

3 2. A person shall not operate an unmanned aerial vehicle
4 knowing that the unmanned aerial vehicle is operating in, on,
5 or above a facility and any contiguous real property comprising
6 the surrounding grounds of the facility, unless the unmanned
7 aerial vehicle is operated by a law enforcement agency or the
8 person has permission from the authority in charge of the
9 facility to operate an unmanned aerial vehicle in, on, or above
10 such facility.

11 3. A person who violates this section commits a class "D"
12 felony.

13 DIVISION V

14 POSTCONVICTION RELIEF

15 Sec. 23. NEW SECTION. 822.10A Underlying criminal offense.

16 The court file containing the conviction for which an
17 applicant seeks postconviction relief shall be part of the
18 record in any action under this chapter. Upon the filing
19 of an application for postconviction relief pursuant to
20 section 822.3, the clerk of the district court shall make the
21 underlying criminal file records accessible to the applicant,
22 county attorney, and attorney general. If the criminal file
23 records are not available in electronic format, the clerk of
24 the district court shall convert the records to an electronic
25 format and make the records available to the applicant, county
26 attorney, and attorney general.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill relates to and makes appropriations to the justice
31 system, and makes other related statutory changes.

32 DIVISION I — FY 2018-2019 APPROPRIATIONS. The bill makes
33 appropriations from the general fund of the state for fiscal
34 year 2018-2019 to the departments of justice, corrections,
35 public defense, public safety, and homeland security and

1 emergency management, and the Iowa law enforcement academy,
2 office of the state public defender, board of parole, Iowa
3 state civil rights commission, and the criminal and juvenile
4 justice planning division of the department of human rights.

5 The bill appropriates moneys from the department of commerce
6 revolving fund to the office of consumer advocate of the
7 department of justice for fiscal year 2018-2019.

8 The bill requires the division of criminal investigation
9 to employ 4.00 full-time equivalent positions to assist in
10 expediting the processing and analysis of DNA samples.

11 The bill appropriates moneys from the general fund of the
12 state to the criminalistics laboratory fund created in Code
13 section 691.9 to accelerate the DNA analysis of DNA samples.

14 The bill requires the commissioner of the department of
15 public safety to appoint an administrator of the fire service
16 training bureau of the division of state fire marshal pursuant
17 to Code section 100B.7 as a condition of appropriation to the
18 division of state fire marshal.

19 The bill also appropriates moneys from the gaming
20 enforcement revolving fund to the department of public safety
21 for fiscal year 2018-2019.

22 The bill appropriates moneys from the wireless 911 emergency
23 communications fund to the department of homeland security and
24 emergency management for fiscal year 2018-2019.

25 The bill appropriates moneys from the Iowa skilled worker
26 and job creation fund to the department of corrections for
27 implementation, support, maintenance, and capital construction
28 costs to develop a regional housing building project.

29 The bill appropriates moneys from the consumer education and
30 litigation fund to the department of justice for farm mediation
31 services and for criminal prosecutions, criminal appeals, and
32 performing duties related to state tort claims.

33 The bill strikes Code section 13.2(1)(g) requiring the
34 attorney general to report to the governor, at the time
35 provided by law, the condition of the attorney general's

1 office, opinions rendered, and business transacted of public
2 interest.

3 The bill establishes a public safety support trust fund
4 in the state treasury under the control of the department of
5 public safety. The bill permits the department of public
6 safety to receive and accept donations, grants, loans, and
7 contributions from any public or private source for deposit
8 into the trust fund. Moneys credited to the trust fund are
9 appropriated to the department of public safety for the purpose
10 of supporting the activities of the department of public
11 safety.

12 DIVISION II — PRISON LIBRARIES. The bill strikes a
13 provision requiring the director of the department of
14 corrections to provide, as necessary, suitable space for
15 reading material for inmates. Additionally, the bill prohibits
16 the department of corrections from using any appropriated funds
17 or other funds made available to the department to distribute
18 or make available any commercially published information or
19 material to an inmate that is sexually explicit or features
20 nudity.

21 DIVISION III — SMALL CLAIMS JURISDICTION. The bill makes
22 jurisdictional changes to small claims court cases. The bill
23 provides that a small claims court case commenced on or after
24 July 1, 2018, shall not involve damages or value in excess of
25 \$7,500. Under existing law, a small claims court case shall
26 not involve damages or value in excess of \$5,000. The bill
27 further provides that the jurisdictional amount shall revert
28 to \$5,000 if a court finds the \$7,500 amount unconstitutional.
29 By increasing the jurisdictional amount for small claims court
30 the bill expands the jurisdiction of a magistrate or district
31 associate judge to hear and assess judgment on certain actions,
32 including county and city violations.

33 DIVISION IV — UNMANNED AERIAL VEHICLES. The bill defines
34 "unmanned aerial vehicle" to mean a vehicle or device that uses
35 aerodynamic forces to achieve flight and is piloted remotely.

1 Under the bill, a person shall not operate an unmanned
2 aerial vehicle knowing that the unmanned aerial vehicle is
3 operating in, on, or above such a facility and any contiguous
4 real property comprising the surrounding grounds of the
5 facility, unless the unmanned aerial vehicle is operated by a
6 law enforcement agency or the person has permission from the
7 authority in charge of the facility to operate an unmanned
8 aerial vehicle in, on, or above such facility.

9 A person who violates the bill commits a class "D" felony. A
10 class "D" felony is punishable by confinement for no more than
11 five years and a fine of at least \$750 but not more than \$7,500.

12 DIVISION V — POSTCONVICTION RELIEF. The bill creates new
13 Code section 822.10A relating to postconviction procedure. The
14 bill provides that the court file containing the conviction
15 for which the applicant seeks postconviction relief shall be
16 part of the record in any action under Code chapter 822. Upon
17 the filing of an application for postconviction relief pursuant
18 to Code section 822.3, the clerk of the district court shall
19 make the underlying criminal file accessible to the applicant,
20 county attorney, and attorney general. If the criminal file
21 records are not available in electronic format, the division
22 requires the clerk of the district court to convert the records
23 to an electronic format and make the records available to the
24 applicant, county attorney, and attorney general.